

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe AB, Philip Morris International, Inc. v. 叶银秀  
(Ye Yinxiu)

Case No. D2026-0163

### **1. The Parties**

The Complainants are Swedish Match North Europe AB, Sweden, and Philip Morris International, Inc., United States of America (“USA”), represented by D.M. Kisch Inc., South Africa.

The Respondent is 叶银秀 (Ye Yinxiu), China.

### **2. The Domain Name and Registrar**

The disputed domain name (“Disputed Domain Name”) <pouchzyn.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2026. On January 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 16, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on January 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on January 23, 2026.

On January 16, 2026 the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On January 23, 2026, the Complainants requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainants’ submission.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Chinese and English of the Complaint, and the proceedings commenced on January 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 16, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on February 20, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The first Complainant, Swedish Match North Europe AB, is a subsidiary of the second Complainant Philip Morris International Inc. The first Complainant is primarily engaged in the business of manufacturing, marketing and selling smoke free tobacco products, such as snus and nicotine pouches, which are sold in several countries. One of these smoke-free products manufactured and sold by the first Complainant are nicotine pouches under the ZYN brand (hereinafter referred to as the "ZYN nicotine product"). First launched in the USA in 2016, the mentioned ZYN brand has obtained a 76 percent share of the market in the USA. Today, the ZYN nicotine product is available in around 40 markets across the world.

The first Complainant is the registered proprietor, inter alia, of the following trademarks

- International Registration ZYN (word) No. 1421212 registered on April 18, 2018 designating Afghanistan, Albania, Australia, Azerbaijan, Bosnia and Herzegovina, Bahrain, Belarus, Switzerland, Chile, Denmark, Algeria, Egypt, United Kingdom, Indonesia, Israel, India, Iceland, Japan, Kenya, Republic of Korea, Kazakhstan, Liechtenstein, Morocco, Montenegro, Mexico, Malaysia, Norway, New Zealand, African Intellectual Property Organization, Oman, Philippines, Pakistan, Serbia, Russian Federation, Sudan, Singapore, San Marino, Thailand, Turkmenistan, Tunisia, Türkiye, Ukraine, Uzbekistan, Viet Nam, Zimbabwe;
- International Registration **ZYN** (word/device) No. 1456681 registered on December 27, 2018, designating Australia, Bahrain, Switzerland, Egypt, United Kingdom, Israel, Kenya, Norway, Oman, Philippines.

The Respondent is an individual based in China.

The Disputed Domain Name was registered on November 12, 2025, and is linked to an online shop at "www.pouchzyn.com" allegedly selling and offering the Complainants' ZYN nicotine product. The website at the Disputed Domain Name is prominently using the first Complainant's registered ZYN trademark and logo at the top of the website. The website is further using a number of the Complainants' official product images and marketing materials without the Complainants' authorization, while at the same time providing a copyright notice at the bottom of the website claiming copyright in the material presented on the website.

#### 5. Parties' Contentions

##### A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainants contend that (i) the Disputed Domain Name is identical or confusingly similar to the first Complainant's trademark; (ii) the Respondent has no rights or legitimate interests in the Disputed Domain Name; and (iii) the Respondent registered and is using the Disputed Domain Name in bad faith. In

particular, the Complainants contend that the Respondent's website intends to pass off as the Complainants' official store by asserting that the website belongs to, or is affiliated with, the Complainants.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1 Language of the Proceeding**

The language of the Registration Agreement for the Disputed Domain Name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainants requested that the language of the proceeding be English for several reasons, including the fact that:

- under paragraph 11(a) of the UDRP Rules, the Panel has discretion to determine the language of the proceedings having regard to the circumstances of the case;
- prior UDRP panels have accepted English as the language of proceedings notwithstanding a non-English registration agreement where the respondent is likely conversant in English and requiring translation would impose unreasonable burden, cost, and delay on the complainant;
- the Respondent appears capable of communicating in English, as evidenced by: the website at the Disputed Domain Name being entirely in English; and the Disputed Domain Name being composed in Latin script, indicating targeting of an English-speaking audience;
- the Complainants have no knowledge of Chinese, and translation of the Complaint and supporting materials would cause unnecessary expense and delay; and
- English is a common language of international business and a language in which the Respondent is conducting its online activities.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview of WIPO Panel Views on Select UDRP Questions \("WIPO Overview 3.1"\)](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **6.2 Substantive Issues**

#### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The first Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, “pouch” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the Complainants’ prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

The Disputed Domain Name resolves to a website allegedly selling and offering the Complainants’ ZYN nicotine product. In *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), the panel held that to be bona fide within the meaning of paragraph 4(c)(i) of the policy, the offering should meet the following requirements:

- The Respondent must actually be offering the goods or services at issue;
- The Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;
- The site must accurately and prominently disclose the registrant’s relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site; and
- The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case the Respondent does not meet, at least, the third requirement set out above. The Complainants never consents to the Respondent’s use of the ZYN trademark and logo. The website under the Disputed Domain Name does not accurately and prominently disclose its relationship with the Complainants. Instead, the website’s layout misleadingly suggests endorsement or affiliation with the Complainants.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The Respondent gives the impression that it is affiliated to the Complainants. It is clearly aware of the Complainants and the first Complainant's trademarks, and is seeking to attract Internet users to the Disputed Domain Name.

The Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainants have established the third element of the Policy.

### **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name <pouchzyn.com> be transferred to the Complainants.

*/Douglas Clark/*

**Douglas Clark**

Sole Panelist

Date: March 2, 2026